UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE: Ernestina Garcia	
HSBC Bank U.S.A., National Association, as Trustee for Home Equity Loan Trust Series ACE 2006-HE1 VS. Ernestina Garcia	CHAPTER 13 CASE NO. 09-10890-ANV

MOTION FOR RELIEF FROM STAY AND MEMORANDUM IN SUPPORT THEREOF

To the Honorable Arthur N. Votolato:

HSBC Bank U.S.A., National Association, as Trustee for Home Equity Loan Trust Series ACE 2006-HE1, your moving party in the within Motion, hereby requests that the Court grant relief from the Automatic Stay imposed by 11 U.S.C. 362 and respectfully represents:

1. The movant has a mailing address c/o America's Servicing Company, 3476 Stateview Blvd, Ft. Mill, SC 29715.

2. The debtor, Ernestina Garcia, has a mailing address of 44 Union Avenue, Providence, RI 02909.

3. On March 12, 2009, the debtor filed a petition under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Rhode Island.

4. The movant is the holder of a first mortgage on real estate in the original amount of $262,000.00 given by Ernestina Garcia to Mortgage Electronic Registration Systems, Inc. on or about November 10, 2005. Said mortgage is recorded with the Providence Land Records at Book 7699, Page 22 and covers the premises located at 44 Union Avenue, Providence, RI 02909.

5. Said mortgage secures a note given by Ernestina Garcia to Fremont Investment & Loan in the original amount of $262,000.00.

6. As of May 18, 2009, approximately $315,168.08 in principal, interest, late fees and other charges was due with regard to the note and mortgage.

7. There are the following encumbrances on the property:

Name of Creditor	Type of Lien	Amount Owed
HSBC Bank U.S.A., National Association	First Mortgage	$315,168.08
City of Providence	Housing Violation	Unknown
City of Providence	Housing Violation	Unknown
Total Secured Encumbrances:		$315,168.08

8. The pre-petition arrearage is $51,217.06.

9. According to the debtor's schedules, the fair market value of the subject property is $123,000.00.

10. The debtor has no equity in the property.

11. The debtor has failed to remain current with the post-petition payments to HSBC Bank U.S.A., National Association, as Trustee for Home Equity Loan Trust Series ACE 2006-HE1.

12. The loan is in default for the April 1, 2009 post petition payment and all payments thereafter.

13. The total post-petition arrearage due as of May 29, 2009 is $5,681.70, plus reasonable attorney's fees and costs.

14. The movant seeks relief from stay as a secured creditor to enforce its rights under its loan documents and applicable law. In support thereof, the movant states that it is entitled to relief as follows:

I. Pursuant to 11 U.S.C. 362 (d)(1) for cause on the basis that the debtor has not made timely or any post petition payments, thus the debtor has failed to provide the movant with adequate protection; and

II. Pursuant to 11 U.S.C. 362 (d)(2) on the basis that the debtor has no equity in the subject property and the property is not necessary for effective reorganization.

WHEREFORE, the movant prays that it, and its successors and/or assigns, be granted relief from the stay for the purpose of: (i) exercising its rights under its agreements with the debtor and any co-debtors and under applicable law, including, without limitation, taking possession of the mortgaged premises and/or foreclosing or accepting a deed in lieu of foreclosure of its mortgage on said premises, and bringing such actions, including, without limitation, eviction proceedings, as are permissible by law; and (ii) the Court waive the provisions of F.R.B.P. 4001 (a)(3); and (iii) the Court order such other and further relief as may be just and proper.

Respectfully submitted,

By its Attorney

/s/ Kathryn A. Fyans
Kathryn A. Fyans, Esquire
RI #7360
HARMON LAW OFFICES, P.C.
P.O. Box 610345
Newton Highlands, MA 02461-0345
781-292-3900

Dated: May 29, 2009

Within ten (10) days after service as evidenced by the certification and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE: Ernestina Garcia.	CHAPTER 13 CASE NO. 09-10890-ANV

CERTIFICATE OF SERVICE

I, Kathryn A. Fyans, Esquire, state that on May 29 , 2009, I electronically filed the foregoing Motion for Relief and Proposed Order with the United States Bankruptcy Court for the District of Rhode Island using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Gary L. Donahue, Esquire, Assistant U.S. Trustee
John Boyajian, Esquire, Chapter 13 Trustee
John B. Ennis, Esquire for the Debtor

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

/s/ Kathryn A. Fyans
Kathryn A. Fyans, Esquire
RI# 7360

Ernestina Garcia
44 Union Avenue
Providence, RI 02909

Recovery Management Systems Corp.
25 SE 2nd Avenue
Suite 1120
Miami, FL 33131

City of Providence
Department of Inspection and Standards
190 Dyer Street
Providence, RI 02903

KAF//200712-0140/Garcia, Ernestina